

REMARKS

Claims 1-9 have been examined. Claims 1 and 2 have been rejected under 35 U.S.C. § 112, first paragraph. Also, the Examiner has indicated that claims 3-9 are allowed.

I. Preliminary Matters

The Examiner has objected to the Abstract under MPEP § 608.01(b) as containing more than 150 words. Accordingly, Applicant has amended the Abstract, and respectfully requests the Examiner to withdraw the objection.

II. Rejection under 35 U.S.C. § 112, first paragraph

Claims 1 and 2 have been rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. In particular, the Examiner maintains that claim 1 recites that the second switching state both enables and disables the lifting and lowering of the fork. Since the Examiner maintains that the specification is not enabled for such an interpretation, the Examiner has not examined claims 1 and 2 on the merits. However, Applicant respectfully traverses the Examiner's interpretation of claim 1. For example, lines 11-13 of claim 1 do not state that lifting and lowering of the fork are prevented in the second switching state. Rather, the claim states that lifting and lowering of the fork are prevented when the switch is changed from the first switching state to the second switching state, while the operating lever is tilted.

Applicant submits that such features of claim 1 are fully enabled by the specification. For example, as stated in the non-limiting embodiment on page 5 of the specification, when both

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the operating lever 3 and switch 9 are operated, the mast 4 can be tilted. However, if the switch 9 is released (i.e. changed) during this operation, an inhibiting circuit 72 is operated to stop both the tilting, and lifting and lowering actions (pg. 5). The different switching states are also disclosed towards the end of page 2.

In light of the above, Applicant submits that the specification fully enables the features of claims 1 and 2, and respectfully request the Examiner to withdraw the rejection.

III. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Allison M. Bowles
Registration No. 48,294

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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CUSTOMER NUMBER

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